

	Oregon Revised Statute	Oregon Administrative Rule	Criterion/Standard	ARAR Compliance
ARAR 1	Oregon Environmental Cleanup Law ORS 465.200 <u>et seq.</u>	Oregon Hazardous Substance Remedial Action Rules OAR 340-122 <u>et seq.</u>	Sets standards for degree of cleanup required, including for oil and other petroleum products/wastes. Establishes acceptable risk levels for human health at $1 \times 10^{-6}$ for individual carcinogens, $1 \times 10^{-5}$ for multiple carcinogens, and Hazard Index of 1 for non-carcinogens; and protection of ecological receptors at the individual level for threatened or endangered species and the population level for all others. OAR 340-122-0040 and 0115.	<u>Chemical-specific</u> : a risk-based numerical value that, when applied to site-specific conditions, will establish concentrations of hazardous substances that may remain or be managed on-site in a manner avoiding unacceptable risk.
			For hot spots of contamination in water, requires treatment, if feasible, to concentrations avoiding significant adverse impact to beneficial uses. OAR 340-122-0090(4), -0085(5).	<u>Action-specific</u> : technology-based requirements for remediation of hazardous substances posing elevated risk.
			For hot spots contamination of sediments, requires, if feasible, treatment or excavation and off-site disposal of hazardous substances so that remaining concentrations do not exceed specified levels. OAR 340-122-0090(4), -0085.	<u>Action-specific</u> : technology-based requirements for remediation of hazardous substances posing elevated risk.
			Determination of the current or reasonably likely future land uses or beneficial uses of water shall be considered in selecting or approving removal or remedial actions. OAR 340-122-0030(6) and -0085(6).	<u>Action-specific</u> : both the risk assessment and feasibility study must consider the current and reasonably likely future land and water uses.
ARAR 2	Oregon Hazardous Waste Management Act ORS 466.005 <u>et seq.</u>	Hazardous Waste Management Rules OAR 340-100 <u>et seq.</u>	Establishes a regulatory structure for the generation, transportation, treatment, storage, and disposal of hazardous waste. Incorporates RCRA Subtitle C, which DEQ is authorized to administer and enforce in Oregon.	Chemical- and Action-specific: specifies requirements if remedial action will involve on-site treatment, disposal, or storage of RCRA-listed or characteristic hazardous waste. (Note: off-site treatment, storage, or disposal subject to all administrative and substantive state requirements.)
		Identification and Listing of Hazardous Waste OAR 340-101 <u>et seq.</u>	Identifies additional residuals that are subject to regulation as hazardous waste under state law OAR 340-101-0033.	<u>Chemical- and Action-specific</u> : specifies requirements if remedial action will involve on-site treatment, disposal, or storage of additional listed wastes.

ARAR 3	Oregon Solid Waste Management ORS 459.005 <u>et seq.</u>	Solid Waste: General Provisions OAR 340-093 <u>et seq.</u>	Requirements for the location, design, construction, operation, and closure of solid waste management facilities.	<u>Action-specific</u> : applicable if upland facility contemplated on-site for solid, non-hazardous, waste disposal, handling, treatment, or transfer. (Note: off-site transfer, treatment, handling, or disposal subject to all administrative and substantive state requirements.)
		Solid Waste: Land Disposal Sites Other than Municipal Solid Waste Landfills OAR 340-095 <u>et seq.</u>	Requirements for the management of solid wastes at land disposal sites other than municipal solid waste landfills.	<u>Action-specific</u> : applicable to the on-site management and disposal of contaminated sediment, soil, and/or groundwater.
ARAR 4	Water Pollution Control Act ORS 468B.005 <u>et seq.</u>	Water Quality Standards OAR 340-041 <u>et seq.</u>	DEQ is authorized to administer and enforce CWA program in Oregon. DEQ rules designate beneficial uses for water bodies and narrative and numeric water quality criteria necessary to protect those uses. OAR 340-041-0340 designates and defines the beneficial uses that shall be protected in the Willamette Basin. For the purposes of state law, Table 20 are the applicable criteria, unless there is a corresponding criterion under Table 33A, in which case Table 33A is applicable.	<u>Chemical- and action-specific</u> : applicable to any discharges to surface water from shallow groundwater, overland flow of stormwater, dredge and fill, de-watering sediments, and other remedial activities.
		Regulations Pertaining to NPDES Discharges OAR 340-045 <u>et seq.</u>	Effluent limitations and management practices for point-source discharges into waters of the state (otherwise subject to NPDES permit but for on-site permit exemption).	<u>Chemical- and Action-specific</u> : applies state water quality standards and effluent limitations to point-source discharges to the Willamette River.
		Certification of Compliance with Water Quality Requirements and Standards OAR 340-048 <u>et seq.</u>	DEQ assurance that federally-permitted discharge to waters of the state will meet water quality standards (otherwise subject to 401 certification, but for on-site exemption of federal permits, e.g., 404 permit).	401 certification not an ARAR but an administrative vehicle for applying state water quality standards where federal permit is required. At this site, substantive requirements of water quality standards applicable to remedial action dredge and fill activities.

ARAR 5	Oregon Removal of Material: Filling ORS 196.795 <u>et seq.</u>	Rules Governing the Issuance and Enforcement of Removal-Fill Authorizations within Waters of Oregon Including Wetlands OAR 141-085 <u>et seq.</u>	Substantive requirements for dredge and fill activities in waters of the state.	<u>Action-specific</u> : applicable to remedial action dredge and fill activities, capping, and riverbank remediation.
ARAR 6	Oregon Submerged and Submersible Lands ORS 274 and 273 <u>et seq.</u>	Rules for Leasing, Licensing, Permitting and Registration of Structures on, and uses of, State-owned Submerged and Submersible Lands; Rules for granting easement and authorizing special uses. OAR 141-082, 141-122, and 141-125 <u>et seq.</u>	Establishes requirements for proprietary permission necessary for remedial activities (not subject to on-site permit exemption)	<u>Action-specific</u> : applicable to remedial action dredge and fill activities, capping, and riverbank remediation. Access, leases, and easements necessary for investigation or remedial action on state-owned beds and banks should be obtained under this statute
		Rules for Authorizing Leases and Licenses for the Removal of Rock, Sand, Gravel, and Silt Derived from State-owned Submerged and Submersible Land OAR 141-014 <u>et seq.</u>	Governs the granting of leases and licenses for the removal or use of rock, sand, gravel, or silt derived from state-owned submerged or submersible lands	<u>Action-specific</u> : applicable to remedial action dredge and fill activities, capping and riverbank remediation.
ARAR 7	Removal-Fill in Oregon Essential Indigenous Anadromous Salmonid Habitat ORS 196.810 (1)(b)	Oregon Essential Indigenous Anadromous Salmonid Habitat (ESH) OAR 141-102	Requirements for the removal-fill in designated salmonid habitat.	<u>Location- and Action-specific</u> : applicable to remedial actions.

ARAR 8	Oregon Air Pollution Control ORS 468A <u>et seq.</u>	General Emissions Standards OAR 340-226 <u>et seq.</u>	DEQ is authorized to administer and enforce Clean Air program in Oregon. Rules provide general emission standards for fugitive emissions of air contaminants and require highest and best practicable treatment or control of such emissions.	Action-specific: applicable to remedial actions taking place in on-site uplands. Could apply to earth-moving equipment, dust from vehicle traffic, and mobile-source exhaust, among other things.
		Fugitive Emission Requirements OAR 340-208 <u>et seq.</u>	Prohibits any handling, transporting, or storage of materials, or use of a road, or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. These rules for "special control areas" or other areas where fugitive emissions may cause nuisance and control measures are practicable.	Action-specific: applicable to remedial actions taking place in on-site uplands. Could apply to earth-moving equipment, dust from vehicle traffic, and mobile-source exhaust, among other things.
ARAR 9	Indian Graves and Protected Objects ORS 97.740-760	Archaeological Permits OAR 736-051	Prohibits the disturbance, removal, injury, or destruction of American Indian artifacts, human remains or funerary objects. Notice of proposed excavation by professional archaeologist must be provided to the State Historic Preservation Officer (SHPO) and State police, and with prior written consent of the appropriate Indian tribe in the vicinity of the intended action. The Commission of Indian Services must be consulted and will design the appropriate tribe.	<u>Location- and action-specific</u> : applicable if archaeological materials could be encountered.
ARAR 10	Archaeological Sites and Objects ORS 358.905 <u>et seq.</u> and ORS 390.235 <u>et seq.</u>	Historic Preservation Officers, State Parks OAR 736-50 <u>et seq.</u> Archaeological Permits OAR 736-51 <u>et seq.</u>	Prohibits excavation, injury, destruction, or alteration of archeological sites/objects, unless done under State Parks archaeological permit issued to professional archaeologists.	<u>Location- and action-specific</u> : applicable if archaeological materials could be encountered.

ARAR 11	Oregon Threatened or Endangered Wildlife Species ORS 496.171-192	Survival Guidelines, OAR 635-100-0135	Sets forth standards for the State Fish and Wildlife Commission to list species as threatened or endangered and authorizes the Commission to enact regulation necessary to ensure survival of listed species, such as protecting habitat. Survival Guidelines are rules for state agency actions affecting listed species.	Action- and location-specific: Substantive requirements of Survival Guidelines relevant and appropriate to remedial activities affecting state-listed species.
		Incidental Take Permits, OAR 635-100-0170	Incidental Take Permits required for activities affecting non-federal listed species.	Action- and Location-specific: Substantive conditions of Incidental Take Permits applicable to remedial activities affecting state-only listed species.
ARAR 12	Lower Willamette River Management Plan ORS 273.045	Lower Willamette River Management Plan OAR 141-080-0105	Department of State Lands plan regulating leasing, license, and permit activities in the Lower Willamette River. The plan describes allowable activities and conditions for waterway management areas based on state public trust values (fisheries, recreation, and navigation).	Location- and Action-specific- relevant and appropriate for selection of remedial actions.
TBC 1	Classification of Water as to Highest and Best Use ORS 536.300, 340 <u>et seq.</u>	Willamette Basin Program OAR 690-502 <u>et seq.</u>	Water Resources Department plans to maintain stream flow, promotes in-stream uses, and meet public needs.	<u>To be Considered</u> : regarding beneficial uses and selection of remedial action.
TBC 2	Guidance for Assessing Bioaccumulative Chemicals of Concern in Sediment DEQ, 2007	Oregon Hazardous Substance Remedial Action Rules OAR 340-122 <u>et seq.</u>	Describes a process to evaluate chemicals found in sediment for their potential contribution to risk as a result of bioaccumulation. Provides alternative methods for developing sediment screening levels and bioaccumulation bioassay data.	<u>To be Considered</u> : in risk assessment and level of cleanup or standard of control that is protective.
TBC 3	Guidance for Identification of Hot Spots DEQ, 1998	Oregon Hazardous Substance Remedial Action Rules OAR 340-122 <u>et seq.</u>	Describes procedures for delineating hot spots in water and other environmental media.	<u>To be Considered</u> : in selection of remedial action methodologies.

TBC 4	Guidance for Conducting Beneficial Water Use Determination at Environmental Cleanup Sites. DEQ, 1998	Oregon Hazardous Substance Remedial Action Rules OAR 340-122 <u>et seq.</u>	Describes procedures for determining current and reasonably likely future beneficial uses of groundwater and surface water for environmental cleanup sites.	<u>To be Considered</u> : in risk assessment and selection of remedial action methodologies.
TBC 5	Guidance for Consideration of Land Use in Environmental Remedial Actions DEQ, 1998	Oregon Hazardous Substance Remedial Action Rules OAR 340-122 <u>et seq.</u>	Provides a flexible framework to collect and evaluate information regarding current and reasonably anticipated future land uses at a cleanup site.	<u>To be Considered</u> : in risk assessment and selection of remedial action methodologies.